

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 11-22 are presently pending in this case. Claims 1-10 are canceled without prejudice or disclaimer and new Claims 11-22 are added by the present amendment. As new Claims 11-22 are supported by the original claims, no new matter is added.

In the outstanding Official Action, Claims 9 and 10 were rejected under 35 U.S.C. §§101 and 112, first paragraph; Claim 6 was rejected 35 U.S.C. §112, second paragraph; and Claims 1-4, 7, and 9 were rejected under 35 U.S.C. §102(b) as anticipated by Misawa (Japanese Patent Application Publication No. 2002-208900); and Claims 5, 6, 8, and 10 were rejected under 35 U.S.C. §103(a) as unpatentable over Misawa in view of Ikuo et al. (Japanese Patent Application Publication No. 2002-342351, hereinafter "Ikuo").

With regard to the information disclosure statement filed July 21, 2006, it is respectfully noted that the International Search Report listing the foreign references cited July 21, 2006 was provided with this IDS as a statement of relevancy. With regard to the information disclosure statement filed December 18, 2007, it is respectfully noted that a translation of the Japanese Office Action discussing the foreign reference cited December 18, 2007 was provided with this IDS as a statement of relevancy. Accordingly, both IDSs are in compliance with 37 C.F.R. §1.98. PTO forms 1449s indicating these references as considered are respectfully requested with the next office communication.

With regard to the outstanding rejections, Claims 1-10 are canceled, making these rejections moot. To the extent these rejections are relevant to new Claims 11-22, the fellow remarks are provided for the examiner's consideration.

New Claims 19 and 20 recite “a computer readable medium,” which is article of manufacture having a well-established utility. Consequently, new Claims 19 and 20 are in compliance with all requirements under 35 U.S.C. §§101 and 112, first paragraph.

New Claim 11 recites in part:

a determining unit *configured to determine if a condition relative to a predetermined time period is met*; and  
a communication unit configured to *transmit* to a server *a request for obtaining a number of times contents were broadcasted when the condition relative to the predetermined time period is met*, and to receive the number of times contents were broadcasted from said server as a response to the request.

Misawa describes an on-air information collecting system that appears to automatically collect and provide the on-air information.<sup>1</sup> It is respectfully submitted that Misawa does not describe that any part of the described system is configured to *determine if the condition relative to a predetermined time period is met*. Thus, Misawa can not describe that any part of the described system is configured to *transmit* to a server *a request for obtaining a number of times contents were broadcasted when the condition relative to the predetermined time period is met*. Therefore, it is respectfully submitted that Misawa does not teach “a determining unit” and “a communication unit” as defined in new Claim 11. Further, it is respectfully submitted that Ikuo does not cure these deficiencies. Consequently, Claim 11 (and Claims 12-14 dependent therefrom) is patentable over Misawa and Ikuo.

New Claim 15 recites in part:

a storage medium configured to store broadcast contents information including the broadcasting time or date, and titles of the broadcast contents;  
*a communication unit configured to receive* from an external device a request for obtaining a number of times contents were broadcasted and *a search condition including at least one of a broadcasting period, a title, and a broadcasting station*, said communication unit configured to transmit to said external device the information representing the number of times contents were broadcasted; and

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<sup>1</sup>See Misawa, paragraph 17.

***a controller configured to search said storage and to generate information representing said number of times contents were broadcasted based on said search condition.***

It is respectfully submitted that Misawa does not describe that any part of the described system is configured to ***receive a search condition***, or ***search*** the on-air information ***based on the search condition***. Therefore, it is respectfully submitted that Misawa does not teach “a communication unit” and “a controller” as defined in new Claim 15. Further, it is respectfully submitted that Ikuo does not cure these deficiencies. Consequently, Claim 15 (and Claim 16 dependent therefrom) is patentable over Misawa and Ikuo.

New Claims 17 and 19 recite in part:

***transmitting request information to request broadcast contents information to a storage device*** configured to store broadcast contents information including the titles of the broadcast contents that will be broadcasted by one or more broadcasting stations;  
***receiving the broadcast contents information transmitted from said storage device corresponding to the request information***; and  
detecting a number of times contents were broadcasted included in the broadcast contents information received in said transmitting.

Misawa describes an on-air information collecting system that appears to automatically collect and provide the same on-air information to all users. Thus, it is respectfully submitted that Misawa does not describe ***transmitting request information to request particular contents information***, much less receiving broadcast contents ***corresponding to the request information***. Therefore, it is respectfully submitted that Misawa does not teach “transmitting” and “receiving” as defined in new Claims 17 and 19. Further, it is respectfully submitted that Ikuo does not cure these deficiencies. Consequently, Claims 17 and 19 are patentable over Misawa and Ikuo.

New Claims 18 and 20 recite in part:

storing broadcast contents information including the broadcasting time and date and the titles of the broadcast contents that will be broadcasted by one or more broadcasting stations in a storage medium;

*receiving search condition information* to specify at least either one of the broadcasting period, the title, and the broadcasting station name of a broadcast program as a search condition from an external device;

*searching said storage medium for broadcast contents information corresponding to said search condition based on said search condition information received in said receiving;*

determining a number of times contents were broadcasted in the broadcast contents information that was obtained as the search result in said searching; and

transmitting information based on said number of times contents were broadcasted for said broadcast contents detected in said determining to said external device.

As noted above, Misawa describes an on-air information collecting system that appears to automatically collect and provide the same on-air information to all users. Thus, it is respectfully submitted that Misawa does not describe *receiving search condition information*, much less searching for broadcast contents information *corresponding to the search condition*. Therefore, it is respectfully submitted that Misawa does not teach “receiving” and “searching” as defined in new Claims 18 and 20. Further, it is respectfully submitted that Ikuo does not cure these deficiencies. Consequently, Claims 18 and 20 are patentable over Misawa and Ikuo.

New Claim 21 recites in part:

determining means for *determining if a condition relative to a predetermined time period is met*; and

communication means for transmitting to a server a request for obtaining a number of times contents were broadcasted *when the condition relative to the predetermined time period is met*, and receiving the number of times contents were broadcasted from said server as a response to the request.

As noted above, Misawa does not describe that any part of the described system *determines if the condition relative to a predetermined time period is met*. Thus, Misawa

can not describe that any part of the described system transmits to a server *a request for obtaining a number of times contents were broadcasted when the condition relative to the predetermined time period is met*. Therefore, it is respectfully submitted that Misawa does not teach “determining means” and “communication means” as defined in new Claim 21. Further, it is respectfully submitted that Ikuo does not cure these deficiencies. Consequently, Claim 21 is patentable over Misawa and Ikuo.

New Claim 22 recites in part:

storage means for storing broadcast contents information including the broadcasting time or date, and titles of the broadcast contents;  
*communication means for receiving* from an external device a request for obtaining a number of times contents were broadcasted and *a search condition including at least one of a broadcasting period, a title, and a broadcasting station, said communication means transmitting to said external device the information representing the number of times contents were broadcasted*; and  
*control means for searching said storage* and to generate information representing said number of times contents were broadcasted *based on said search condition*.

As noted above, Misawa does not describe that any part of the described system receives *a search condition*, or searches the on-air information *based on the search condition*. Therefore, it is respectfully submitted that Misawa does not teach “communication means” and “control means” as defined in new Claim 22. Further, it is respectfully submitted that Ikuo does not cure these deficiencies. Consequently, Claim 22 is patentable over Misawa and Ikuo.

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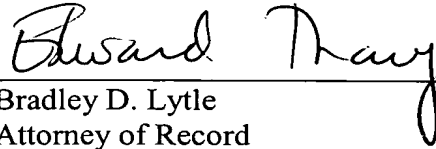
Reply to Office Action of September 5, 2008

Accordingly, the pending claims are believed to be in condition for formal allowance.

An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read "Bradley D. Lytle", is written over a horizontal line.

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